

## PATENT

Case Docket No. NECORFA.005CP1  
Date: 22 November 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Earthman et al.  
Appl. No. : 10/802,117  
Filed : 16 March 2004  
For : EVALUATION OF  
REFLECTED TIME-ENERGY  
PROFILE FOR EVALUATION  
OF OSSEOINTEGRATION  
AND DENSITY  
Group Art Unit : 3736  
Class/Sub-Class: 600-553000  
Examiner : Charles Alan Marmor II

## CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all  
marked attachments are being transmitted via  
facsimile to the USPTO Central Fax No. (571)  
273-2885 on the date shown below:

22 November 2005

(Date)

*Kyle F. Schlueter*  
\_\_\_\_\_  
Kyle F. Schlueter, Reg. No. 54,912

## TRANSMITTAL LETTER

MAIL STOP ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing is the Issue Fee for the above-identified application:


- (X) Form PTOL-85.
- (X) Please charge the total fees due in the amount of **\$1,000** to Deposit Account No. 11-1410.
- (X) Comments on Statement of Reasons for Allowance in 2 pages.
- (X) Total pages in transmission: 5



PATENT

Case Docket No. NECORFA.005CP1  
Date: 22 November 2005

- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.

  
\_\_\_\_\_  
Kyle F. Schlueter  
Registration No. 54,912  
Attorney of Record  
Customer No. 20,995  
(310) 551-3450

2083093  
112205



CORFA.005CP1

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application Number: 10/802,117

Confirmation Number: 3275

Applicant: Earthman et al.

Filing Date: 16 March 2004

Art Unit: 3736

Examiner: Charles Alan Marmor II

Customer Number: 20,995

Commissioner for Patents  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Sir:

In the Examiner's statement of reasons for allowance ("Statement"), the Examiner has listed certain elements which are neither taught nor suggested by the prior art of record. Applicants note that certain of the allowable claims do not contain any of the elements listed by the Examiner. Furthermore, Applicants note that the patentability of the allowed claims rests on the combination of recited elements, rather than on a specific element. Applicants respectfully disagree with the Examiner's Statement to the extent it implies that certain unrecited elements are required by certain claims.

Application Number **10/802,117**

The Examiner's statement of reasons for allowance is the personal opinion of the Examiner as to why the claims are allowable, and should not create an estoppel with respect to future claim construction. See MPEP 1302.14.

Respectfully submitted,

KNOBBE MARTENS OLSON & BEAR LLP

Dated: 22 nov 05

By: Kyle F. Schlueter

Kyle F. Schlueter  
Registration No. 54,912  
Attorney of Record  
Customer No. 20,995  
(310) 551-3450

2081760  
112105